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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,202	12/06/2000	Ashwin Philips	36266-00003	9447

7590

08/12/2004

Greg Wertheimer  
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North Chelmsford, MA 01863

EXAMINER

BONSHOCK, DENNIS G

ART UNIT PAPER NUMBER

2173

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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# Office Action Summary

Application No.

09/732,202

Applicant(s)

PHILIPS, ASHWIN

Examiner

Dennis G. Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al., Patent #6,356,971, hereinafter Katz and van Zoest et al., hereinafter Zoest.

3. With regard to claim 1, Katz teaches, a method for simultaneously displaying a three region display (see figure 4A-4D), displaying a first section defining a list of files (see column 6, lines 40-60), upon selection of which a list of items from the selected element are provided in a second region (see the track file list in column 7, lines 50-67), and where upon selection of an element from the second region, displaying the file of the particular element (see the play-list in column 7, lines 50-67). Katz teaches the first region displaying categories (see column 6, lines 46-50), but the category selection as done in Zoest more closely resembles that of the currently claimed invention. Zoest teaches a method of attaining access to electronic works, similar to that of Katz, but further teaches the category selection for the first element (see column 2, lines 20-30 and figure 10). It would have been obvious to one of ordinary skill in the art, having the teachings of Katz and Zoest before him at the time the invention was made to modify the display of Katz, to include the entering of category data similar to that of Zoest. One

would have been motivated to make such a combination because this provides an element of organization in the initial selection screen.

4. With regard to claim 2, which teaches the step of inputting a third selection from a group of types of categories, so as to obtain a selected type, and wherein the categories displayed in step (b) are all of the selected type, Zoest teaches, in column 2, lines 20-30 and figure 10, the step of selecting a category from the button with the down arrow, currently marked ARTIST and the corresponding display of the artists in the list below.

5. With regard to claim 3, which teaches the selected type of category can be changed plural times, and wherein each time a different type of category is selected the displayed list of categories changes accordingly, Zoest teaches, in column 2, lines 20-30 and figure 10, the step of selecting a category from the button with the down arrow, currently marked ARTIST and the corresponding display of the artists in the list below, and it would be obvious that if any of the other categories were selected the corresponding list for that category would be displayed.

6. With regard to claim 4, which teaches the selected type is a genre type and the categories displayed in step (b) are names of different genres, Zoest teaches, in column 2, lines 20-30 and figure 10, the step of selecting a category from the button where the categories consist of Album, Artist, Genre, etc.

7. With regard to claim 5, which teaches the selected type is an artist type and the categories displayed in step (b) are names of different artists, Zoest teaches, in column

2, lines 20-30 and figure 10, the step of selecting a category from the button where the categories consist of Album, Artist, Genre, etc.

8. With regard to claim 6, which teaches the selected type is an album type and the categories displayed in step (b) are names of different albums, Zoest teaches, in column 2, lines 20-30 and figure 10, the step of selecting a category from the button where the categories consist of Album, Artist, Genre, etc.

9. With regard to claim 7, which teaches the first selection being made by highlighting and then selecting the selected category, Katz teaches, in column 6, lines 35-40, a system for selection consisting of highlighting and selecting.

10. With regard to claim 8, which teaches the selected category can be changed plural times, and each time a different category is selected the list of files displayed in step (d) changes accordingly, Zoest teaches, in column 2, lines 20-30 and figure 10, the step of selecting a category from the button with the down arrow, currently marked ARTIST and the corresponding display of the artists in the list below, and it would be obvious that if any of the other categories were selected the corresponding list for that category would be displayed.

11. With regard to claim 9, which teaches that the second selection is made by highlighting and then selecting the selected file, Katz teaches, in column 6, lines 35-40, a system for selection consisting of highlighting and selecting.

12. With regard to claim 10, which teaches inputting at least one additional selection of an file, so as to obtain an additionally selected file, and in respect to each additional file selection, adding a name for the additionally selected file to a list displayed in the

third region, Katz teaches, in column 7, lines 61-67, the selection of a second item to display in the play-list provides a name for the item in the third screen.

13. With regard to claim 11, which teaches the step of inputting a play instruction, and wherein in response to the play instruction, all files listed in the third region are played, Katz teaches, in column 2, line 55 through column 3, line 6, the users ability to play through the selection of a play instruction.

14. With regard to claim 12, which teaches displaying a menu of options, inputting a selection of one of the options, so as to obtain a selected option; and populating the first region, the second region, and the third region based on the selected option, Katz teaches in column 6, lines 10-22 and in figure 4A, a menu of options, where selection of options can control the display of information in the panes.

15. With regard to claim 13, which teaches wherein the selected option is to play files, and wherein in step (i) the first region and the second region are populated with information pertaining to the stored files, Katz teaches in column 6, lines 10-22 and in figure 4A, a menu of options, where selection of options can control the display of information in the panes, and in column 8, lines 35-45, the actual playing of specific groups of elements.

16. With regard to claim 14, which teaches the option to purchase files, and wherein in step (i) the first region and the second region are populated with information pertaining to files that are available for purchase, Zoest teaches, in column 11, lines 45-53, the option to purchase items displayed in the panes. It would have been obvious to one of ordinary skill in the art, having the teachings of Katz and Zoest before him at the

time the invention was made to modify media display system of Zoest to provide the ability for sell content over a network. One would have been motivated to make such a combination because Katz teaches in column 4, lines 29-30, the sharing of media over a network where it is known in the art that this media is often purchased.

17. With regard to claim 15, which teaches at least some of the information pertaining to files that are available for purchase being obtained from a remote node via a communications network, Zoest teaches, in column 11, lines 45-59, the option to purchase items displayed in the panes, where the user is provided with the information through access to a web site.

18. With regard to claim 16, which teaches, the communications network being an Internet, Zoest teaches, in column 3, lines 24-37, the network being the Internet.

19. With regard to claim 17, which teaches displaying soft buttons, for selected functions, Katz teaches, in figure 4C, the display of a save and a save as button for saving the content of a play-list, It would further be obvious that with a blank play-list no items would be able to be saved making the button useless, and therefore not needed to be selectable.

20. With regard to claim 18, which teaches inputting a third selection from a group of types of categories, so as to obtain a selected type, and wherein the functions associated with each soft button depend upon the selected type, Katz teaches, in column 6, lines 40-60 and in figure 4C, the selection of elements in the first pane, where unless a playable media is selected (a CD or audio file) the play button need not be selectable.



21. With regard to claim 19, which teaches, the step of inputting a selection of one of the first region, the second region, and the third region, so as to obtain a selected region, and wherein selections can only be made in the selected region, Katz teaches, in column 6, lines 40-60, column 7, lines 50-67, and in figure 4C, the tracks in the play-list being able to use the save options, unlike the items in the first pane.

22. With regard to claim 20, Katz teaches, a apparatus for simultaneously displaying a three region display (see figure 4A-4D), displaying a first section defining a list of files (see column 6, lines 40-60), upon selection of which a list of items from the selected element are provided in a second region (see the track file list in column 7, lines 50-67), and where upon selection of an element from the second region, displaying the file of the particular element (see the play-list in column 7, lines 50-67). Katz teaches the first region displaying categories (see column 6, lines 46-50), but the category selection as done in Zoest more closely resembles that of the currently claimed invention. Zoest teaches a method of attaining access to electronic works, similar to that of Katz, but further teaches the category selection for the first element (see column 2, lines 20-30 and figure 10). It would have been obvious to one of ordinary skill in the art, having the teachings of Katz and Zoest before him at the time the invention was made to modify the display of Katz, to include the entering of category data similar to that of Zoest. One would have been motivated to make such a combination because this provides an element of organization in the initial selection screen.

23. With regard to claim 21, which teaches the step of inputting a third selection from a group of types of categories, so as to obtain a selected type, and wherein the

categories displayed in step (b) are all of the selected type, Zoest teaches, in column 2, lines 20-30 and figure 10, the step of selecting a category from the button with the down arrow, currently marked ARTIST and the corresponding display of the artists in the list below.

24. With regard to claim 22, which teaches the selected type of category can be changed plural times, and wherein each time a different type of category is selected the displayed list of categories changes accordingly, Zoest teaches, in column 2, lines 20-30 and figure 10, the step of selecting a category from the button with the down arrow, currently marked ARTIST and the corresponding display of the artists in the list below, and it would be obvious that if any of the other categories were selected the corresponding list for that category would be displayed.

### ***Conclusion***

25. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach systems for the orderly display of media information.


26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (703) 305-4668. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

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27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7-27-04  
dgb

  
RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173